

SB 166 -1, -2, -3 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 5/18, 5/25

WHAT THE MEASURE DOES:

Explicitly guarantees each elector's right to vote and right to secret ballot. Prohibits how elector voted from disclosure through public records request. Reclassifies harassment against election worker as Class C felony from Class A misdemeanor. Establishes that crime of aggravated harassment includes harassment against election worker. Punishes crime of harassment or aggravated harassment against election worker by maximum of five years' imprisonment, \$125,000 fine, or both. Alters requirements for annual county elections security plans. Classifies all communication related to development and review of security plan as confidential and not subject to disclosure. Removes requirement that name and number of precinct in which elector resides, or precinct split of elector, be included in lists of electors provided to political parties and subject to inspection as public record.

ISSUES DISCUSSED:

- Best practices for plain language on elections materials
- Notification timeline for investigations by Secretary of State (SOS)
- Security plan deadline and ability of SOS to work with counties on appropriate date
- Process for adding member of household for address confidentiality
- Need to bring clarity to election laws

EFFECT OF AMENDMENT:

-1 Replaces the measure. Explicitly prohibits confidential election records and information included in Address Confidentiality Program from being released as public record or as part of lists of electors. Allows exemption of residence address of any family member, residing with either elector who participates in Address Confidentiality Program or election worker, from disclosure as public record, unless county clerk receives a court order or request from any law enforcement agency. Shortens time period when political parties can request list of electors, from not earlier than six months before an election to not earlier than three months. Limits period when political parties can request list of electors by excluding period beginning on election date and ending 14 days after election date. Makes individual signatures on petition signature sheets subject to public disclosure and may be inspected in office of chief elections officer. Prohibits officer from making copy of and distributing signature, unless explicitly required to do so as part of official duties. Exempts certain costs from calculations of whether candidate is required to file statement of organization, establish campaign account or file required campaign finance statements. Excludes candidate debate or forum for state office from being considered candidate contribution if host uses neutral criteria that are publicized in advance of sending invitations. Changes notification requirement for Secretary of State (SOS) or Attorney General to notify subject of complaint of alleged violations of elections law from when complaint filed to only if investigation will take place. Changes date by when SOS is required to canvass the votes for each measure, from no later than the 37th day after the election to no later than the 30th day. Clarifies the post-election hand count certification date for a measure is no later than the 30th day after the election and no later than the 37th day for a candidate. Authorizes Secretary to alter specified language required to be written in election documents, provided that alteration does not materially change meaning. Requires SOS and filing officers to make available copies of ORS chapter 260, instead of requiring SOS and filing officer to furnish and deliver copies. Updates references to certain petitions and requirements for any person who signs, gathers signatures, circulates, or files certain petitions. Removes requirement that individuals who sign

SB 166 -1, -2, -3 STAFF MEASURE SUMMARY

electronic signature sheets must do so in two places. Changes formula for candidacy petition signature requirements following redistricting. Removes county judges who exercise judicial functions from certain required filings with Secretary and classifies them as "nonpartisan office." Moves statute on when ballot is considered legally cast from ORS Chapter 247 (qualification of electors) to Chapter 254 (conduct of elections). Removes language invalidating ballots with write-in candidate. Extends time after special district territory election for entry of order and return of deposits. Requires order to be entered within 15 days after election results are certified instead of 30 days after date of election. Changes deadline for return of deposits from 30th day after election to 45 days after election results are certified. Allows county clerk to, upon request, permit elector who is absent from electoral district during election period to obtain ballot at office of county clerk or receive ballot by mail no earlier than 43 days before date of election. Requires place of residence to be listed on primary ballot only when two or more candidates for the same nomination, except candidates for precinct committeeperson, have the same first and last name as provided in official election documents. Removes ability of county clerk to cancel voter registration of person who registers to vote in another county in Oregon. Declares emergency, effective on passage.

-2 Prohibits candidate, political committee, or a petition committee from accepting aggregate contributions from a single source of more than \$100 per calendar year in the form of physical currency of the United States or of any other country.

-3 Replaces the measure. Explicitly guarantees each elector's right to vote and right to secret ballot. Prohibits how elector voted from disclosure through public records request. Alters requirements for annual county elections security plans. Classifies all communication related to development and review of security plan as confidential and not subject to disclosure.

Prohibits candidate, political committee, or a petition committee from accepting aggregate contributions from a single source of more than \$100 per calendar year in the form of physical currency of the United States or of any other country.

Explicitly prohibits confidential election records and information included in Address Confidentiality Program from being released as public record or as part of lists of electors. Allows exemption of residence address of any family member, residing with either elector who participates in Address Confidentiality Program or election worker, from disclosure as public record, unless county clerk receives a court order or request from any law enforcement agency.

Shortens time period when political parties can request list of electors, from not earlier than six months before an election to not earlier than three months. Limits period when political parties can request list of electors by excluding period beginning on election date and ending 14 days after election date.

Makes individual signatures on petition signature sheets subject to public disclosure and may be inspected in office of chief elections officer. Prohibits officer from making copy of and distributing signature, unless explicitly required to do so as part of official duties.

Exempts certain costs from calculations of whether candidate is required to file statement of organization, establish campaign account or file required campaign finance statements. Excludes candidate debate or forum for state office from being considered candidate contribution if host uses neutral criteria that are publicized in advance of sending invitations.

Changes notification requirement for Secretary of State (SOS) or Attorney General to notify subject of complaint of alleged violations of elections law from when complaint filed to only if investigation will take place.

SB 166 -1, -2, -3 STAFF MEASURE SUMMARY

Changes date by when SOS is required to canvass the votes for each measure, from no later than the 37th day after the election to no later than the 30th day. Clarifies the post-election hand count certification date for a measure is no later than the 30th day after the election and no later than the 37th day for a candidate.

Authorizes Secretary to alter specified language required to be written in election documents, provided that alteration does not materially change meaning. Requires SOS and filing officers to make available copies of ORS chapter 260, instead of requiring SOS and filing officer to furnish and deliver copies.

Updates references to certain petitions and requirements for any person who signs, gathers signatures, circulates, or files certain petitions. Removes requirement that individuals who sign electronic signature sheets must do so in two places.

Changes formula for candidacy petition signature requirements following redistricting. Removes county judges who exercise judicial functions from certain required filings with Secretary and classifies them as "nonpartisan office." Moves statute on when ballot is considered legally cast from ORS Chapter 247 (qualification of electors) to Chapter 254 (conduct of elections). Removes language invalidating ballots with write-in candidate.

Extends time after special district territory election for entry of order and return of deposits. Requires order to be entered within 15 days after election results are certified instead of 30 days after date of election. Changes deadline for return of deposits from 30th day after election to 45 days after election results are certified.

Allows county clerk to, upon request, permit elector who is absent from electoral district during election period to obtain ballot at office of county clerk or receive ballot by mail no earlier than 43 days before date of election. Requires place of residence to be listed on primary ballot only when two or more candidates for the same nomination, except candidates for precinct committeeperson, have the same first and last name as provided in official election documents.

Removes ability of county clerk to cancel voter registration of person who registers to vote in another county in Oregon.

Declares emergency, effective on passage.

FISCAL: May have fiscal impact, but no statement yet issued

REVENUE: No revenue impact

BACKGROUND:

During the 2020 and 2022 election cycles, local elections administrators, county clerks, and their families and staff, faced violence and threats of violence. [Current law](#) classifies harassment against an election worker as a Class A misdemeanor, which is the most severe misdemeanor, and carries a maximum punishment of 364 days imprisonment, a \$6,250 fine, or both. [Current law](#) classifies aggravated harassment as a Class C felony, which is the least severe felony, and carries a maximum punishment of five years' imprisonment, a \$125,000 fine, or both.

By January 31 of each calendar year, every county clerk is required to submit a county elections security plan with the Secretary of State. [ORS Chapter 254.074](#) delineates the requirements for those plans and establishes that they are confidential and not subject to disclosure under [Oregon's public records inspection laws](#).

[ORS Chapter 247.948](#) lists the information found within an elector's voter registration file that is subject to Oregon's public records inspection laws, which includes party affiliation, residence address, birth year, the name or number of the precinct in which the elector resides, and the precinct split of an elector.

Senate Bill 166 explicitly guarantees each elector's right to vote, establishes and reclassifies crimes against election workers as Class C felonies, alters requirements of annual county election security plans, and changes the

elector information with their registration file that is required to be shared.

PRELIMINARY